

REMARKS/ARGUMENTS

Claims 1-19 and 21-27 are pending in the present application. Claims 1, 14, 16, 22, and 27 are independent. Claims 1, 3, 8, 11, 14, 16, 22, and 27 are amended. No new matter has been added.

The courtesies extended to Applicant's representative by Examiner of Record Christopher P. Grey and Supervisory Primary Examiner Aung S. Moe during the telephonic interview held on October 20, 2008, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

REJECTION UNDER 35 U.S.C. § 102(E)

In sections 1-2 on pages 2-9, the Office Action rejects claims 1-4, 6-8, 12, 14, 16-19, 22-24, and 27 under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 7,092,364 to Franklin (hereinafter "Franklin"). Applicant respectfully traverses this rejection for the reasons listed below.

Independent claim 1 is now amended to recite "automatically propagating **topological changes** from said EMS to said NMS and preventing an administrator from making any **topological changes** to an added network entity" (emphasis added). Similar subject matter now appears in independent claims 14, 16, 22, and

27. Support for this added subject matter may be found in the specification, for example, in paragraph [0031].

As agreed during the telephonic interview on October 20, 2008, Franklin does not disclose, suggest, or teach automatic propagation of "topological change data from said EMS to said NMS and preventing an administrator from making any topological changes to an added network entity." All of the independent claims now recite this subject matter. Consequently, Applicant respectfully submits that independent claims 1, 14, 16, 22, and 27 are now allowable.

Claims 2-4, 6-8, and 12 depend from independent claim 1. Claims 17-19 depend from independent claim 14. Claims 23 and 24 depend from independent claim 22. Thus, Applicant respectfully submits that claims 2-4, 6-8, 12, 17-19, and 23-24 are allowable based at least upon their dependence from allowable independent claims.

Accordingly, Applicant respectfully requests that the rejection of claims 1-4, 6-8, 12, 14, 16-19, 22-24, and 27 under 35 U.S.C. § 102(e) be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103(A)

In sections 3-4 on pages 9-10, the Office Action rejects claim 5 under 35 U.S.C. § 103(a) as allegedly unpatentable over Franklin in view of Published U.S. Patent Application No. 2005/0013259 to Papoushodo (hereinafter "Papoushodo"). In

section 5 on pages 10-11, the Office Action rejects claims 9-11 under 35 U.S.C. § 103(a) as allegedly unpatentable over Franklin and Papoushadow in view of Published U.S. Patent Application No. 2004/0030780 to Walters (hereinafter "Walters"). In section 6 on pages 11-13, the Office Action rejects claims 13 and 26 under 35 U.S.C. § 103(a) as allegedly unpatentable over Franklin in view of U.S. Patent No. 6,564,341 to Sundaram (hereinafter "Sundaram"). In section 7 on pages 13-14, the Office Action rejects claims 15 and 25 under 35 U.S.C. § 103(a) as allegedly unpatentable over Franklin in view of Published U.S. Patent Application No. 2003/0133556 to Naik et al. (hereinafter "Naik"). In section 8 on pages 14-15, the Office Action rejects claim 21 under 35 U.S.C. § 103(a) as allegedly unpatentable over Franklin in view of Walters. Applicant respectfully traverses these rejections for the reasons listed below.

Papoushadow, Walters, Sundaram, and Naik fail to remedy the deficiencies of Franklin. Moreover, Applicant respectfully submits that the Office Action lacks a clear articulation of the reasons why, in view of the cited prior art, the claimed invention would have been obvious, as set forth in M.P.E.P. § 2142. The Supreme Court in *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007) noted that the analysis supporting a rejection under 35 U.S.C. § 103 should be made explicit. Moreover, the Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning

with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).

Thus, Applicant respectfully submits that the cited references fail to disclose, teach, or suggest "automatically propagating topological changes from said EMS to said NMS and preventing an administrator from making any topological changes to an added network entity," as recited in independent claims 1, 14, 16, 22, and 27.

Claims 9-11 and 13 depend from independent claim 1. Claim 15 depends from independent claim 14. Claim 21 depends from independent claim 16. Claim 26 depends from independent claim 22. Therefore, Applicant respectfully submits that claims 9-11, 13, 15, 21, and 26 are allowable based at least upon their respective dependence from allowable independent claims.

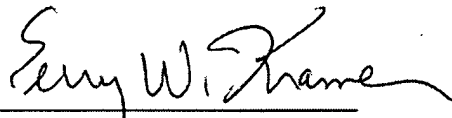
For at least the preceding reasons, Applicant respectfully requests that the rejection of claims 9-11, 13, 15, 21, and 26 under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
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